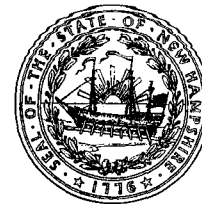




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Trickett Realty Trust
Bob Sidiropoulos, Trustee
1180 Main Street
Tewksbury, MA 01876

ADMINISTRATIVE ORDER
NO. WMD 06-010

August 31, 2006

Re: Dan Hill's Texaco, 104 Canal Street,
Nashua, UST # 0-110477

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Trickett Realty Trust pursuant to RSA 146-C. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Trickett Realty Trust ("Trickett") is apparently a Trust created in Massachusetts having a mailing address of 1180 Main Street, Tewksbury, MA 01876. On information and belief, Bob Sidiropoulos is the Trustee of Trickett Realty Trust authorized to conduct its business.

C. STATEMENTS OF FACTS AND LAW

1. RSA 146-C authorizes the Department of Environmental Services to regulate the installation, maintenance, operation, and closure of underground storage facilities. Pursuant to RSA 146-C:9, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 1401 to set forth the requirements for underground storage facilities by "establishing criteria for registration and permitting, and standards for design, installation, operation, maintenance, and monitoring of such facilities."
2. Trickett is the registered facility owner of four underground storage tanks ("USTs") at the former Dan Hill's Texaco facility ("the Facility"), further identified as UST #0110477, located on real property at 104 Canal Street, Nashua, NH ("the Property").
3. The UST systems are subject to the requirements of RSA 146-C and Env-Wm 1401.
4. On April 8, 2004, a DES inspector conducted a compliance inspection at the Facility and noted compliance deficiencies which were identified in a report (the "Report") issued to the

Facility representative at the time of the inspection.

5. The Report notified the Facility that compliance was to be achieved within 30 days of the date of the inspection and verification of compliance submitted to DES within 45 days of the date of the inspection.
6. The Report also included a UST Facility Summary of Deficiencies identified at the time of the inspection. Among those deficiencies identified, DES has not been notified that the following have been corrected within 45 days after the inspection was performed:
 - a. Required stock inventory records for the one 1,000-gallon used oil UST (Tank 10) was not maintained;
 - b. The overfill protection device has not been installed on Tank 10;
 - c. The overfill protection devices for the 6,000-gallon gasoline UST (Tank 7), 8,000-gallon gasoline UST (Tank 8), and the 8,000-gallon UST (Tank 9) were not installed properly; and
 - d. The annual test for all line leak detectors for Tanks 7, 8, and 9 was not performed.
7. On August 19, 2005, a DES inspector revisited the Facility and measured 18 inches of product in Tank 7, 20 inches of product in Tank 8, and 20 inches of product in Tank 9. The Facility is not an active gas station.
8. Env-Wm 1401.11(a) requires the owner of an underground storage facility to conduct inventory monitoring for each underground storage tank, and to maintain separate records for each tank and interconnected system.
9. Env-Wm 1401.25(a) requires all underground storage tanks to be equipped with an overfill protection device.
10. Env-Wm 1401.25(d) defines the manner in which the overfill protection device shall be installed and maintained.
11. Env-Wm 1401.30(b) requires automatic line leak detectors to be tested annually to confirm that they are operating according to manufacturer's recommendations.
12. Env-Wm 1401.17 defines the manner in which temporary closure of underground tank storage systems shall be accomplished.

D. DETERMINATION OF VIOLATIONS

1. Trickett has violated Env-Wm 1401.11(a) by failing to maintain accurate stock inventory records for Tank 10 in accordance with RSA 146-C:5 and Env-Wm 1401.11.
2. Trickett has violated Env-Wm 1401.25(a) by failing to install an overfill protection device

for Tank 10.

3. Trickett has violated Env-Wm 1401.25(d) by failing to properly install the overfill protection devices on Tanks 7, 8, and 9.
4. Trickett has violated Env-Wm 1401.30(b) by failing to perform the annual test of the line leak detectors for Tanks 7, 8, and 9.
5. Trickett has violated Env-Wm 1401.17(a) by failing to properly temporarily close Tanks 7, 8, and 9.

E. ORDER

Based on the above findings and determinations, DES hereby orders Trickett as follows:

1. **Within 30 days** of the date of this Administrative Order, compliance with all of the rules alleged to have been violated as listed above must be achieved or, the UST systems must be closed in accordance with Env-Wm 1401.17 or Env-Wm 1401.18.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

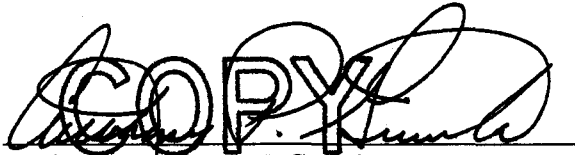
Lynn A. Woodard, P.E., Supervisor, Oil Compliance Section
DES Waste Management Division
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2181
e-mail: lwoodard@des.state.nh.us

F. APPEAL

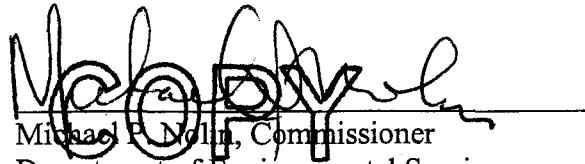
Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Trickett Realty Trust or Bob Sidiropoulos of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 146-C:10 provides for administrative fines and civil penalties, for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor Trickett's compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Anthony P. Giunta, P.G., Director
Waste Management Division



Michael P. Nolan, Commissioner
Department of Environmental Services

Certified Mail/RRR:

cc: Gretchen R. Hamel, Legal Unit Administrator /
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
James Martin, DES Public Information Officer
City of Nashua Health Officer
Lynn A. Woodard, P.E., WMD UST Supervisor
Thomas R. Beaulieu, WMD UST Chief